



**Office of the Attorney General
Paul G. Summers**

MEDIA NOTIFICATION

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STATEMENT FROM ATTORNEY GENERAL PAUL G. SUMMERS REGARDING JUDGE DAVID LOUGHRY'S DISMISSAL OF DEPUTY GOVERNOR DAVE COOLEY'S TRAFFIC TICKET

"Today I responded to District Attorney Bill Whitesell's request for review regarding the anonymous information his office received about Judge David Loughry's dismissal of a traffic ticket issued to Deputy Governor Dave Cooley on February 29, 2004. Based upon information gathered by the Tennessee Bureau of Investigation, and after thorough review, there will not be any prosecution or criminal charges. I have discussed the information with District Attorney Whitesell and Davidson County District Attorney Torry Johnson and they agree in this conclusion."

Note: Attached is the letter that was sent to District Attorney Whitesell.

September 20, 2004

Honorable William C. Whitesell, Jr.
District Attorney General
320 West Main Street
Murfreesboro, TN 37130

RE: Review of matter pursuant to T.C.A. 8-6-112

Dear General Whitesell:

I have completed my investigation of the speeding ticket issued to Mr. Dave Cooley on February 29, 2004, and dismissed by the Rutherford County General Sessions Court on March 23, 2004. My focus was to determine if a judicial officer, Judge David Loughry, violated criminal laws by ordering the citation's dismissal. At my request, the Tennessee Bureau of Investigation investigated the circumstances and the conduct of any person involved in the issuance and dismissal of the citation up until the present time. The TBI's investigation was thorough and objective.

Prior to your leaving for Chattanooga to try a case, I gave you my overview. At that time, I had a preliminary case file; now, the TBI agents have finished a few additional tasks. No new probative information has been developed since our call. I understand you agree with my analysis as to any events transpiring in your district.

I have shared the file with General Torry Johnson of Davidson County and briefed him after I received the last bit of information from the TBI. I am authorized to say he also agrees with my analysis of events that transpired in his jurisdiction.

I conclude that no crimes were committed by Judge Loughry when he dismissed the ticket presented to him by the Tennessee Highway Patrol Lieutenant on March 23. Insufficient evidence exists to support any theory that the judge committed other crimes relating to Mr. Cooley's traffic ticket.

As to other individuals, questions have been raised in the media that allude to whether Mr. Cooley or others may have committed criminal offenses. Speculation as to theories of possible crimes range from illegal cancellation of traffic citations, bribery, and extortion. Insufficient evidence exists in this investigation to warrant a prosecution of Mr. Cooley or anyone else. Since you or General Johnson would be involved in any prosecution if the proof existed, I understand both of you agree with my conclusions.

Many of the people involved herein are subordinates of Governor Bredesen or work directly for him. At his request, I have briefed him and have made suggestions and recommendations when asked of me. I am satisfied he is aware of pertinent facts of the ticket disposition and all collateral matters generated, including departmental conduct and culture. I have recommended to the governor a change in the Department of Safety's regulations to help avoid a situation like this in the future. The department should publish a regulation requiring a trooper or supervisor to appear in open court at regular court session before he or she could move to dismiss or reduce a traffic charge.

Sometimes people, including public officials, do things they should not have done. The actions of public officials are scrutinized more carefully and are sometimes judged more harshly than the conduct of other citizens. But there is a big difference -- a quantum leap -- between conduct that merely creates the appearance of impropriety, on the one hand, and criminal activity warranting prosecution, on the other. Based on the evidence generated during the TBI's thorough investigation of this matter, my staff and I have concluded there is insufficient evidence to justify a criminal prosecution of any of the individuals involved.

I have completed the tasks you requested of me in my capacity as Attorney General. I trust my report concludes these matters so far as the criminal justice system is concerned.

Sincerely,

Paul G. Summers
Attorney General

cc: Governor Phil Bredesen
District Attorney Torry Johnson